

REMARKS

The July 29, 2003 Office Action requested election of a single species from among:

- i) a tumor cell, malignant cell or leukemia cell;
- ii) a foreign cell;
- iii) an infected cell; and,
- iv) a cell responsible for detrimental activity in an autoimmune disease.

Applicants, hereby elect, with traverse, the species comprising of a tumor cell, malignant cell or leukemia cell. It is understood that upon allowance of a generic claim, the remaining species will also be examined.

An election of species is required under M.P.E.P. §808.01(a) “where there is no disclosure of relationship between species (*see* M.P.E.P. §806.04 (b)), they are independent inventions and election of one invention”. In view of M.P.E.P. §803, however, when the generic claim includes sufficiently few species that a search and examination of all the species at one time would not impose a serious burden on the examiner, then a requirement for election is inappropriate.

It is respectfully submitted there is a disclosure of relationship between the claimed species. The species are all target cells that may bind to the complex of the present invention. Consequently, there is a disclosed relationship between the cells.

Furthermore, the Office Action has made no showing that searching all of the species of target cells would constitute an undue burden. Consequently, it is respectfully submitted that the requirement for an election of species is inappropriate.

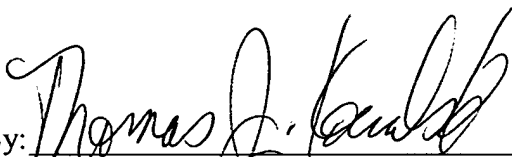
In view of the above, reconsideration and withdrawal of the election of species requirement are requested.

CONCLUSION

In view of the remarks herewith, the application is believed to be in condition for allowance. Favorable reconsideration of the application, reconsideration and withdrawal of the election of species, and prompt issuance of a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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